

Statement to the Public Employee Relations Board
in Support of Proposed Rules Changes
April 12, 2007

My name is Ira Eisenberg. I am a permanent state employee of the Unemployment Insurance Division of the Employment Development Department assigned to the Oakland Primary Call Center as an Employment Program Representative. As such, I am one of some 44,000 civil service professionals in Bargaining Unit 1, whose current exclusive representative is the Service Employees International Union (SEIU) Local 1000.

I appear before you on behalf of myself and countless other state workers to urge this honorable Board to approve proposed rules changes to bar revocation of proof of support signatures to petitions seeking recognition, rescission, decertification, and other changes in the status quo that may only be implemented as a result of an election.

As one of more than 14,000 members of Bargaining Unit 1 who signed the rescission petition recently submitted to the board -- and the author of a petition now gathering signatures to decertify SEIU -- I can attest to the pressure tactics an incumbent exclusive representative can bring to bear on its membership when faced with the prospect of losing control over them, or access to their paychecks.

Many state workers fear the power they imagine their bargaining agent wields over their working lives. And the virtual monopoly such agents enjoy in terms of communicating with and influencing their constituents makes challenging even the most unworthy entrenched incumbent at best a monumental task -- one that was made immensely more daunting as a result of last year's decision allowing agents to pressure members who sign decertification and rescission petitions into revoking their support.

The right of state employees to freely choose their bargaining agent is rendered meaningless if incumbent exclusive representatives are allowed to misuse their power and influence to avoid accountability. The Board's willingness to amend its regulations to rectify the harm done by the Antelope Valley Health Care decision is therefore to be commended.

However, the language proposed to accomplish that task is so convoluted as to obscure rather than illuminate the Board's laudable intentions. At the risk of appearing presumptuous, I respectfully suggest that Subsection (b) of Sections 32705, 61025, 81025, and 91025 be redrafted to read as follows:

Notwithstanding subsection (a), above, the Board shall not honor a revocation of authorization request to revoke a proof of support signature submitted with a request or petition seeking the recognition or change in status of an employee organization as an exclusive representative if the recognition or change in status being requested or petitioned for requires an election by the affected employees. The Board shall honor a valid revocation of authorization request to revoke a proof of support signature submitted with a request or petition seeking the recognition or change in status of an employee organization as an exclusive representative provided it was not obtained under duress and the recognition or change in status requested or petitioned for does not require an election by the affected employees.